

Customer No. 28880

MAY 05 2005

Confirmation No. 8140

PTO/SB/21 (09-04)


Approved for use through 07/31/2008. OMB 0691-0031

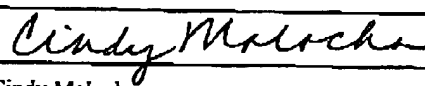
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/748,342	
	Filing Date	December 30, 2003	
	First Named Inventor	Mark A. Dombroski	
	Art Unit	1614	
	Examiner Name	Anthony Joseph Paviglianiti	
Total Number of Pages in This Submission	3	Attorney Docket Number	PC25009A

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Warner-Lambert Company LLC		
Signature			
Printed name	Steven R. Eck		
Date	May 5, 2005	Reg. No.	36,126

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Cindy Malocha	Date	May 5, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

USPTO Fax No. 703-872-9306

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

APPLICATION NO. : 10/748,342 Confirmation No.: 8140  
APPLICANT(S) : MARK A. DOMBROSKI, ET AL.  
FILED : DECEMBER 30, 2003  
ART UNIT : 1614  
EXAMINER : ANTHONY JOSEPH PAVIGLIANITI  
DOCKET NO. : PC25009A  
CUSTOMER NO. : 28880

RECEIVED  
CENTRAL FAX CENTER  
MAY 05 2005

Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450  
FAX: (703) 872-9306

## RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

The following remarks are in response to the Office Action dated April 5, 2005, for the application U.S. Serial No. 10/748,342. Claims 1-12 are pending in this application and all claims are subject to a restriction requirement under 35 U.S.C. § 121 and a requirement for an election of species for further examination.

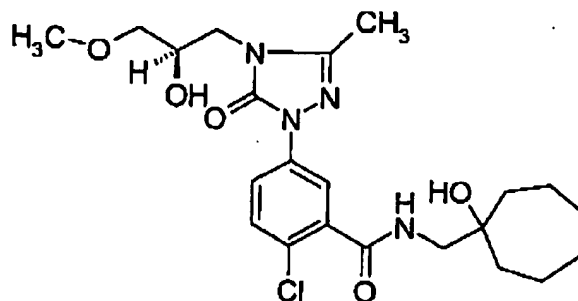
In response to the restriction requirement under 35 U.S.C. § 121 Applicants elect, without traverse, the subject matter of Group I, Claims 1-11.

As also required, Applicants wish to elect for the Examiner's further review the compound of Example 12, 2-Chloro-N-(1-hydroxy-cycloheptylmethyl)-5-[4-(2-hydroxy-3-methoxy-propyl)-3-methyl-5-oxo-4,5-dihydro-[1,2,4]triazol-1-yl]-benzamide, which has the following structure:

10/748,342

- 2 -

PC25009A



Present Claims 1, 6, 10 and 11 read on the elected species of Example 12.

The Examiner is encouraged to call Applicants' attorney at the telephone number listed below if he may be of assistance.

Respectfully submitted,

Date:

May 5, 2005

Steven R. Eck

Reg. No. 36,126

Warner-Lambert Company LLC

2800 Plymouth Road

Ann Arbor, MI 48105

Tel. (734) 622-4040

Fax (734) 622-1553